

IN THE SENATE

SENATE BILL NO. 1224, As Amended

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO BEHAVIORAL HEALTH SERVICES; AMENDING THE HEADING FOR CHAPTER 31, TITLE 39, IDAHO CODE; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3121, IDAHO CODE, TO PROVIDE A DECLARATION OF POLICY; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3122, IDAHO CODE, TO PROVIDE DEFINITIONS; REPEALING SECTION 39-3123, IDAHO CODE, RELATING TO DECLARATION OF POLICY; AMENDING SECTION 39-3124, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY, TO PROVIDE FOR STATE SUBSTANCE USE DISORDER AUTHORITY AND TO PROVIDE THAT APPROPRIATIONS TO EXECUTIVE AGENCIES OR THE JUDICIARY SHALL NOT BE PROHIBITED; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3124, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF AN IDAHO BEHAVIORAL HEALTH COOPERATIVE; AMENDING SECTION 39-3125, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DUTIES AND APPOINTMENT OF THE STATE BEHAVIORAL HEALTH PLANNING COUNCIL, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-3126, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE FOR BUDGETARY CONFINES; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3127, IDAHO CODE, TO PROVIDE FOR THE COORDINATION OF SERVICES BETWEEN REGIONS AND STATES; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3128, IDAHO CODE, TO AUTHORIZE THE STATE BEHAVIORAL HEALTH AUTHORITY TO CONTRACT FOR THE LEASE OF FACILITIES FOR BEHAVIORAL HEALTH CENTERS; REPEALING SECTION 39-3129, IDAHO CODE, RELATING TO PETITION FOR REGIONAL SERVICES; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3129, IDAHO CODE, TO AUTHORIZE THE APPOINTMENT OF A DIVISION ADMINISTRATOR FOR REGIONAL BEHAVIORAL HEALTH CENTERS AND TO PROVIDE FOR DUTIES OF THE ADMINISTRATOR; AMENDING SECTION 39-3127, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; REPEALING SECTION 39-3131, IDAHO CODE, RELATING TO TERMS, VACANCIES AND COMPENSATION; AMENDING SECTION 39-3128, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY AND TO REVISE BEHAVIORAL HEALTH SERVICES TO BE OFFERED; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3132, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF REGIONAL BEHAVIORAL HEALTH BOARDS; REPEALING SECTION 39-3133, IDAHO CODE, RELATING TO DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3133, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF AN EXECUTIVE COMMITTEE OF THE REGIONAL BEHAVIORAL HEALTH BOARDS AND TO PROVIDE FOR POWERS AND DUTIES OF THE COMMITTEE; REPEALING SECTION 39-3134, IDAHO CODE, RELATING TO COORDINATION OF SERVICES BETWEEN REGIONS AND STATE; AMENDING SECTION 39-3130, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY AND TO PROVIDE FOR MEMBERS, TERMS AND APPOINTMENTS FOR THE REGIONAL BEHAVIORAL HEALTH BOARDS; REPEALING SECTION 39-3134A, IDAHO CODE, RELATING TO COOPERATIVE SERVICE PLAN COM-

PONENT; REPEALING SECTION 39-3135, IDAHO CODE, RELATING TO FACILITIES FOR MENTAL HEALTH SERVICES; AMENDING SECTION 39-3132, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS RELATING TO POWERS AND DUTIES OF THE REGIONAL BEHAVIORAL HEALTH BOARDS, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-3136, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-3137, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-3138, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-3139, IDAHO CODE, TO REVISE TERMINOLOGY; AND AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3140, IDAHO CODE, TO PROVIDE FOR RULEMAKING AUTHORITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the Heading for Chapter 31, Title 39, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 31
REGIONAL ~~MENTAL~~ BEHAVIORAL HEALTH SERVICES

SECTION 2. That Chapter 31, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-3121, Idaho Code, and to read as follows:

39-3121. DECLARATION OF POLICY. It is the policy of this state to provide treatment services for its citizens living with mental illness and/or substance use disorder, acknowledging that these illnesses cause intense human suffering and severe social and economic loss to the state. Recognizing that there is insufficient funding to meet the many needs of Idahoans with behavioral health disorders, it is critical that the behavioral health system efficiently use existing and future resources and increase accountability for services and funding. Additionally, the system needs to distinguish between and accommodate for the difference in the treatment and support services for children, youth, adults and the transitions between them. Regional behavioral health services, providing early and appropriate diagnosis and treatment, have proven to be effective in reducing the adverse impact of these disorders and valuable in creating the possibility of recovery. Families play a key role in the successful treatment of behavioral health disorders and provision of services. Participation by consumers and their families in system governance is critical to ensure ongoing system improvements. Acknowledging the policy of the state to provide behavioral health services to all citizens in need of such care, it is the purpose of this chapter to delegate to the state behavioral health authority the responsibility and authority to establish and maintain regional behavioral health services in order to extend appropriate mental health and substance use disorder treatment services to its citizens within all regions of the state.

SECTION 3. That Chapter 31, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-3122, Idaho Code, and to read as follows:

1 39-3122. DEFINITIONS. (1) "Behavioral health" means an integrated
2 system for evaluation and treatment of mental health and substance use dis-
3 orders.

4 (2) "Region" means the administrative regions as defined by the depart-
5 ment of health and welfare. Two (2) or more regions may consolidate for the
6 purposes of this chapter. For the purposes of this chapter, regions will be
7 consistent with judicial districts.

8 SECTION 4. That Section 39-3123, Idaho Code, be, and the same is hereby
9 repealed.

10 SECTION 5. That Section 39-3124, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 39-31243. DESIGNATION OF STATE MENTAL HEALTH AUTHORITY AND STATE SUB-
13 STANCE USE DISORDER AUTHORITY. The Idaho department of health and welfare is
14 hereby designated the state mental health authority and the state substance
15 use disorder authority, hereinafter referred to as the state behavioral
16 health authority. The state ~~mental~~ behavioral health authority is respon-
17 sible for overseeing the state of Idaho's behavioral health system of care.
18 The department shall fulfill this role through a collaborative process,
19 taking into consideration and incorporating whenever reasonably possible
20 the recommendations and evaluations of the state behavioral health planning
21 council ~~on mental health~~ and the regional ~~mental~~ behavioral health boards
22 in all statewide efforts to expand, improve, modify or transform the ~~mental~~
23 behavioral health service delivery system of the state. The state mental
24 health authority shall identify the resources necessary for these efforts to
25 be implemented on a statewide basis The provisions of this section shall not
26 prohibit appropriations to executive agencies or the judiciary to fund com-
27 munity-based behavioral health treatment within their target population.
28 The behavioral health authority shall report utilization, performance, out-
29 come and other quality assurance data to the state behavioral health plan-
30 ning council and the regional behavioral health board on an annual basis.

31 SECTION 6. That Chapter 31, Title 39, Idaho Code, be, and the same is
32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
33 ignated as Section 39-3124, Idaho Code, and to read as follows:

34 39-3124. IDAHO BEHAVIORAL HEALTH COOPERATIVE. The behavioral health
35 authority shall establish the Idaho behavioral health cooperative to advise
36 it on issues related to the coordinated delivery of community-based behav-
37 ioral health services. The membership shall include representatives from
38 the Idaho state judiciary, the Idaho department of correction, the Idaho de-
39 partment of juvenile corrections, the office of drug policy, the Idaho asso-
40 ciation of counties, the state behavioral health planning council, an adult
41 consumer of services, a family member of a youth consumer of services, the
42 state department of education and the Idaho department of health and wel-
43 fare, at a minimum, but may also include other members as deemed necessary
44 by the behavioral health authority. The Idaho behavioral health cooperative
45 shall meet quarterly, with additional meetings called at the request of the
46 state behavioral health authority.

SECTION 7. That Section 39-3125, Idaho Code, be, and the same is hereby amended to read as follows:

39-3125. STATE BEHAVIORAL HEALTH PLANNING COUNCIL ON ~~MENTAL HEALTH~~. (1) A state behavioral health planning council, hereinafter referred to as the planning council, shall be established to serve as an advocate for children and adults with a ~~severe mental illness and for seriously emotionally disturbed children and youth~~ behavioral health disorders; to advise the state ~~mental~~ behavioral health authority on issues of concern, on policies and on programs and to provide guidance to the mental state behavioral health authority in the development and implementation of the state mental behavioral health systems plan; to monitor and evaluate the allocation and adequacy of ~~mental~~ behavioral health services within the state on an ongoing basis; to monitor and evaluate the effectiveness of state laws that address behavioral health services; to ensure that individuals with ~~severe mental illness and serious emotional disturbances~~ behavioral health disorders have access to prevention, treatment, prevention and rehabilitation services including those services that go beyond the traditional mental health system; to serve as a vehicle for intra-agency and interagency policy and program development; and to present to the governor, the judiciary and the legislature by June 30 of each year a report on the council's achievements activities and the impact on the quality of life that mental an evaluation of the current effectiveness of the behavioral health services has on citizens of provided directly or indirectly by the state to adults and children. The planning council shall establish readiness and performance criteria for the regional boards to accept and maintain responsibility for family support and recovery support services. The planning council shall evaluate regional board adherence to the readiness criteria and make a determination if the regional board has demonstrated readiness to accept responsibility over the family support and recovery support services for the region. The planning council shall report to the behavioral health authority if it determines a regional board is not fulfilling its responsibility to administer the family support and recovery support services for the region and recommend the regional behavioral health centers assume responsibility over the services until the board demonstrates it is prepared to regain the responsibility.

(2) The planning council shall be appointed by the governor and be comprised of no ~~less~~ more than fifty percent (50%) ~~family members and consumers with mental illness~~ state employees or providers of behavioral health services. Membership shall also reflect to the extent possible the collective demographic characteristics of Idaho's citizens. The planning council membership shall ~~strive to~~ include representation from consumers, families of adults individuals with severe serious mental illness or substance use disorders; behavioral health advocates; families of children or youth with serious emotional disturbance; principal state agencies including and the judicial branch with respect to mental behavioral health, education, vocational rehabilitation, criminal justice adult correction, juvenile justice and law enforcement, title XIX of the social security act and other entitlement programs; public and private entities concerned with the need, planning, operation, funding and use of mental health services or substance use

1 disorders, and related support services; and the regional ~~mental~~ behavioral
 2 health board in each department of health and welfare region as provided for
 3 in section 39-31304, Idaho Code. The planning council may include members of
 4 the legislature and the state judiciary.

5 (3) The planning council members will serve a term of two (2) years or
 6 at the pleasure of the governor, provided however, that of the members first
 7 appointed, one-half (1/2) of the appointments shall be for a term of one (1)
 8 year and one-half (1/2) of the appointments shall be for a term of two (2)
 9 years. The governor will appoint a chair and a vice-chair whose terms will be
 10 two (2) years.

11 (4) The council may establish subcommittees at its discretion.

12 SECTION 8. That Section 39-3126, Idaho Code, be, and the same is hereby
 13 amended to read as follows:

14 39-3126. ~~DESIGNATION OF REGIONS FOR COMPREHENSIVE MENTAL~~ REGIONAL
 15 BEHAVIORAL HEALTH SERVICES CENTERS. Recognizing both the ~~right~~ need of
 16 every citizen to receive the best ~~mental~~ behavioral health services that
 17 the state is able to provide within budgetary confines and the dispropor-
 18 tionate ability of counties to finance ~~mental~~ behavioral health services,
 19 the state ~~mental~~ behavioral health authority shall designate regions and
 20 be responsible for establishing regional ~~comprehensive mental~~ behavioral
 21 health ~~services~~ centers for all areas of the state. In the establishment of
 22 regions, primary consideration will be given to natural population group-
 23 ings and ~~trading~~ service areas, the regions previously designated for the
 24 establishment of other health services, the ~~mental~~ behavioral health needs
 25 of the people within the proposed regions, and the appropriate maximal use
 26 of available funding.

27 SECTION 9. That Chapter 31, Title 39, Idaho Code, be, and the same is
 28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 29 ignated as Section 39-3127, Idaho Code, and to read as follows:

30 39-3127. COORDINATION OF SERVICES BETWEEN REGIONS AND STATE. The di-
 31 rector of the department of health and welfare shall coordinate services
 32 between the regional behavioral health centers, regional behavioral health
 33 boards and the state psychiatric hospitals.

34 SECTION 10. That Chapter 31, Title 39, Idaho Code, be, and the same is
 35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 36 ignated as Section 39-3128, Idaho Code, and to read as follows:

37 39-3128. FACILITIES FOR BEHAVIORAL HEALTH CENTERS. The state behav-
 38 ioral health authority may contract for the lease of facilities appropri-
 39 ate for the establishment of behavioral health centers. In order to encour-
 40 age the development of comprehensive and integrated health care and whenever
 41 feasible and consistent with behavioral health treatment, these facilities
 42 shall be in or near facilities within the region housing other health ser-
 43 vices.

SECTION 11. That Section 39-3129, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Chapter 31, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-3129, Idaho Code, and to read as follows:

39-3129. DIVISION ADMINISTRATOR FOR REGIONAL BEHAVIORAL HEALTH CENTERS -- DUTIES. The director of the department of health and welfare shall appoint a division administrator to manage the regional behavioral health centers and shall supervise its program; shall prescribe uniform standards of treatment, services and care provided by the regional behavioral health centers and regional behavioral health boards; shall set the professional qualifications for staff positions; and make such other policy as are necessary and proper to carry out the purposes and intent of this chapter.

SECTION 13. That Section 39-3127, Idaho Code, be, and the same is hereby amended to read as follows:

39-312730. RECIPROCAL AGREEMENTS BETWEEN STATES TO SHARE SERVICES. In such regions where natural population groupings overlap state boundaries, ~~a an interstate~~ regional ~~comprehensive mental behavioral~~ health service may be established jointly with a neighboring state or states. In such instances, the state ~~mental behavioral~~ health authority may enter into reciprocal agreements with these states to either share the expenses of the service in proportion to the population served; to allow neighboring states to buy services from Idaho; or to allow Idaho to purchase services that are otherwise not available to ~~her~~ its citizens.

SECTION 14. That Section 39-3131, Idaho Code, be, and the same is hereby repealed.

SECTION 15. That Section 39-3128, Idaho Code, be, and the same is hereby amended to read as follows:

39-312831. BEHAVIORAL HEALTH SERVICES TO BE OFFERED. ~~A The regional mental behavioral health service center shall include one (1) or more of the~~ provide or arrange for the delivery of services that, combined with community family support and recovery support services provided through the regional behavioral health boards, medicaid and services delivered through a private provider network, will leading to the establishment of a ~~regional comprehensive mental regional behavioral health center~~ system of care that incorporates patient choice and family involvement to the extent reasonably practicable and medically and professionally appropriate. ~~A comprehensive mental The regional behavioral health center may include such~~ shall provide or arrange for the delivery of the following services as:

- ~~(1) Short-term hospitalization for psychiatric treatment in an approved medical facility within the region;~~
- ~~(2) Partial hospitalization;~~
- ~~(3) Outpatient diagnosis and treatment;~~
- ~~(4) 24-hour emergency psychiatric services;~~

- ~~(5) Community consultation and education;~~
- ~~(6) Diagnostic services for other agencies;~~
- ~~(7) Rehabilitative services;~~
- ~~(8) Precare and postcare services in cooperation with a state mental hospital;~~
- ~~(9) Training of mental health personnel;~~
- ~~(10) Research and evaluation;~~
- ~~(11) Transitional housing for individuals, including juveniles, with mental illness and/or addiction disorders to promote and sustain the ability of these individuals to live in the community and avoid institutionalization; and~~
- ~~(12) Intensive supportive services such as those delivered by assertive community treatment teams. Assertive community treatment teams provide individualized treatment, rehabilitation and support services to the severely and persistently mentally ill.~~
- (1) Treatment services for individuals who do not have other benefits available to meet their behavioral health needs as resources allow including, but not limited to, psychiatric services, medication management, rehabilitative and community-based services, outpatient and intensive outpatient services, assertive community treatment, case management and residential care;
- (2) Community family support and recovery support services as defined in section 39-3135(7), Idaho Code, until the regional behavioral health board can meet the initial readiness criteria and voluntarily accepts responsibility for these services or if the regional behavioral health board fails to sustain criteria to maintain responsibility for these services;
- (3) Evaluation and intervention for individuals experiencing a behavioral health emergency;
- (4) Hospital precare and postcare services, in cooperation with state and community psychiatric hospitals, for individuals who have been committed to the custody of the director of health and welfare pursuant to sections 18-212 and 66-329, Idaho Code, or who are under an involuntary treatment order pursuant to chapter 24, title 16, Idaho Code;
- (5) Evaluation and securing mental health treatment services as ordered by a court for individuals pursuant to section 19-2524, 20-511A or 20-519B, Idaho Code; and
- (6) Evaluation and securing treatment services for individuals who are accepted into mental health courts.

SECTION 16. That Chapter 31, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-3132, Idaho Code, and to read as follows:

39-3132. REGIONAL BEHAVIORAL HEALTH BOARDS -- ESTABLISHMENT. There is hereby created and established in each region a regional behavioral health board. It is legislative intent that the regional behavioral health boards operate and be recognized not as a state agency or department, but as governmental entities whose creation has been authorized by the state, much in the manner as other single purpose districts. However, the regional behavioral health boards shall have no authority to levy taxes. For the purposes of section 59-1302(15), Idaho Code, the seven (7) regional behavioral health

boards created pursuant to this chapter shall be deemed governmental entities. The regional behavioral health boards are authorized to provide the community family support and recovery support services identified in section 39-3135(7), Idaho Code. The services identified in section 39-3135(7), Idaho Code, shall not be construed to restrict the services of the regional behavioral health board solely to these categories.

SECTION 17. That Section 39-3133, Idaho Code, be, and the same is hereby repealed.

SECTION 18. That Chapter 31, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-3133, Idaho Code, and to read as follows:

39-3133. EXECUTIVE COMMITTEE OF THE REGIONAL BEHAVIORAL HEALTH BOARDS. Each regional behavioral health board shall annually elect from within its membership an executive committee of five (5) members empowered to make fiscal, legal and business decisions on behalf of the full board or join with another governmental entity that can fulfill the same management infrastructure function. If the regional behavioral health board elects to create its own internal executive committee, the membership shall be representative of the regional behavioral health board membership and must, at a minimum, include one (1) mental health consumer or advocate and one (1) substance use disorder consumer or advocate. The executive committees or the partner public entity shall have the power and duty, on behalf of the regional behavioral health boards, to:

(1) Establish a fiscal control policy as required by the state controller;

(2) Enter into contracts and grants with other governmental and private agencies, and this chapter hereby authorizes such other agencies to enter into contracts with the regional behavioral health boards, as deemed necessary to fulfill the duties imposed upon the board to promote and sustain the ability of individuals with behavioral health disorders to live in the community and avoid institutionalization;

(3) Develop and maintain bylaws as necessary to establish the process and structure of the board; and

(4) Employ and fix the compensation, subject to the provisions of chapter 53, title 67, Idaho Code, of such personnel as may be necessary to carry out the duties of the regional behavioral health boards.

All meetings of the executive committee shall be held in accordance with the open meeting law as provided for in chapter 23, title 67, Idaho Code.

SECTION 19. That Section 39-3134, Idaho Code, be, and the same is hereby repealed.

SECTION 20. That Section 39-3130, Idaho Code, be, and the same is hereby amended to read as follows:

39-31304. REGIONAL MENTAL BEHAVIORAL HEALTH BOARD -- MEMBERS -- TERMS -- APPOINTMENT. A regional mental behavioral health board for each region shall consisting of seventeen twenty-two (1722) members is hereby created

and shall be appointed as provided herein. All meetings of the regional behavioral health board shall be held in accordance with the open meeting law as provided for in chapter 23, title 67, Idaho Code. Members shall be ~~qualified electors and shall represent~~ comprised of the following: three (3) county commissioners or their designee; two (2) department of health and welfare employees who represent the ~~mental~~ behavioral health system within the region; ~~two one (21)~~ one (1) parents of a ~~children~~ with a serious emotional disturbance, as defined in section 16-2403, Idaho Code, provided each parent's ~~respective child is no older than twenty-one (21) years of age at the time of appointment;~~ one (1) parent of a child with a substance use disorder; a law enforcement officer; ~~three one (31)~~ one (1) adult mental health services consumer representatives, ~~advocates or family members;~~ one (1) mental health advocate; one (1) substance use disorder advocate; one (1) adult substance use disorder services consumer representative; one (1) family member of an adult mental health services consumer; one (1) family member of an adult substance use disorder services consumer; a private provider of mental health services within the region; a private provider of substance use disorder services within the region; a representative of the elementary or secondary public education system within the region; a representative of the juvenile justice system within the region; a representative of the adult correction system within the region; a representative of the judiciary appointed by the administrative district judge; a physician or other licensed health practitioner from within the region; and a representative of a hospital within the region; ~~and a member of the regional advisory substance abuse authority.~~ The consumer, parent and family representatives shall be selected from nominations submitted by ~~mental~~ behavioral health consumer and advocacy organizations. The board may have nonvoting members as necessary to fulfill its roles and responsibilities. The board shall meet at least twice each year, and shall annually elect a chairperson and other officers as it deems appropriate.

On the effective date of this chapter, ~~t~~The appointing authority in each region shall be a committee composed of the chairperson of the board of county commissioners of each of the counties within the region, ~~the regional mental health program manager for the department of health and welfare and the regional director for the current chair of the regional mental health board and the current chair of the regional advisory committee and, after the initial appointment of members to the regional behavioral health board, the current chair of the regional behavioral health board and one (1) representative of the department of health and welfare.~~ The committee shall meet annually or as needed to fill vacancies on the board. ~~The list of appointments shall be submitted to the department of health and welfare.~~

The appointing authority in each region shall determine if ~~m~~Members of the regional mental health ~~advisory~~ board and the regional advisory committee who are serving on the effective date of this ~~act~~ chapter may continue to serve until the end of the current term of their appointment. ~~or they may end all current appointments and create the board membership based upon the requirements of this section.~~ If the appointing authority decides to allow current members of the board to serve out their current terms, ~~a~~Appointments made after the effective date of this ~~act~~ chapter shall be made in a manner to achieve the representation provided in this section as soon as reasonably practical.

1 The term of each member of the board shall be for four (4) years; pro-
 2 vided however, that of the members first appointed, one-third (1/3) from
 3 each region shall be appointed for a term of two (2) years; one-third (1/3)
 4 for a term of three (3) years; and one-third (1/3) for a term of four (4)
 5 years. After the membership representation required in this section is
 6 achieved, vacancies shall be filled for the unexpired term in the same manner
 7 as original appointments. Board members shall be compensated as provided
 8 for in section 59-509(b), Idaho Code, and such compensation shall be paid
 9 from the operating budget of the regional behavioral health board as re-
 10 sources allow.

11 SECTION 21. That Section 39-3134A, Idaho Code, be, and the same is
 12 hereby repealed.

13 SECTION 22. That Section 39-3135, Idaho Code, be, and the same is hereby
 14 repealed.

15 SECTION 23. That Section 39-3132, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 39-31325. POWERS AND DUTIES. The regional ~~mental~~ behavioral health
 18 board:

19 (1) Shall advise the state ~~mental~~ behavioral health authority ~~through~~
 20 and the state planning council on local ~~mental~~ behavioral health needs of
 21 adults and children within the region;

22 (2) ~~Shall assist in the formulation of an operating policy for the re-~~
 23 ~~gional service;~~

24 (3) ~~Shall interpret the regional mental health services to the citizens~~
 25 ~~and agencies of the region;~~

26 (4) Shall advise the state ~~mental~~ behavioral health authority and the
 27 state planning council of the progress, problems and proposed projects of
 28 the regional service;

29 (5) ~~Shall collaborate with the regional advisory substance abuse au-~~
 30 ~~thorities to develop appropriate joint programs;~~

31 (6) Shall promote improvements in the delivery of ~~mental~~ behavioral
 32 health services and coordinate and exchange information regarding ~~mental~~
 33 behavioral health programs in the region;

34 (7) Shall identify gaps in available services including, but not lim-
 35 ited to, services listed in sections 16-2402(3) and 39-312831, Idaho Code,
 36 and recommend service enhancements that address identified needs for con-
 37 sideration to the state ~~mental~~ behavioral health authority;

38 (8) Shall assist the state planning council on ~~mental~~ behavioral health
 39 planning for service system improvement. The state planning council shall
 40 incorporate the recommendation to the regional ~~mental~~ behavioral health
 41 boards into the annual report provided to the governor by June 30 of each
 42 year. This report shall also be provided to the legislature; and

43 (9) May develop, or obtain proposals for, a ~~service plan compo-~~
 44 nent petition for regional services for consideration by the state ~~mental~~
 45 behavioral health authority;

46 (10) May accept the responsibility to develop and provide community fam-
 47 ily support and recovery support services in their region. The board must

demonstrate readiness to accept this responsibility and shall not be held liable for services in which there is no funding to provide. The readiness criteria for accepting this responsibility shall be established by the planning council. The planning council shall also determine when a regional behavioral health board has complied with the readiness criteria. Community family support and recovery support services include, but are not limited to:

- (a) Community consultation and education;
- (b) Housing to promote and sustain the ability of individuals with behavioral health disorders to live in the community and avoid institutionalization;
- (c) Employment opportunities to promote and sustain the ability of individuals with behavioral health disorders to live in the community and avoid institutionalization;
- (d) Evidence-based prevention activities that reduce the burden associated with mental illness and substance use disorders; and
- (e) Supportive services to promote and sustain the ability of individuals with behavioral health disorders to live in the community and avoid institutionalization including, but not limited to, peer run drop-in centers, support groups, transportation and family support services;
- (8) If a regional board, after accepting the responsibility for a recovery support service, fails to successfully implement and maintain access to the service, the behavioral health authority shall, after working with the board to resolve the issue, take over responsibility for the services until the board can demonstrate its ability to regain organization and provision of the services;
- (9) Shall annually provide a report to the planning council, the regional behavioral health centers and the state behavioral health authority of its progress toward building a comprehensive community family support and recovery support system that shall include performance and outcome data as defined and in a format established by the planning council; and
- (10) The regional board may establish subcommittees as it determines necessary and shall, at a minimum, establish and maintain a children's mental health subcommittee.

SECTION 24. That Section 39-3136, Idaho Code, be, and the same is hereby amended to read as follows:

39-3136. FUNDS. The financial support for the regional ~~mental~~ behavioral health ~~services~~ centers shall be furnished by state appropriations and by whatever federal funds are available in an identifiable section within the ~~mental~~ behavioral health program budgets. ~~Mental~~ Behavioral health services ~~which~~ that are financed or contracted by local or federal sources may be incorporated into the regional ~~mental~~ behavioral health ~~services~~ centers subject to the approval of the state ~~mental~~ behavioral health authority.

SECTION 25. That Section 39-3137, Idaho Code, be, and the same is hereby amended to read as follows:

1 39-3137. SERVICES TO BE NONDISCRIMINATORY -- FEES. No regional ~~mental~~
 2 ~~behavioral health service center~~ or regional behavioral health board shall
 3 refuse service to any person because of race, color or religion or because
 4 of ability or inability to pay. Persons receiving services will be charged
 5 fees in keeping with a fee schedule prepared by the state ~~mental~~ behavioral
 6 health authority. Fees collected by the regional behavioral health center
 7 shall become part of ~~the operating~~ its budget and ~~may be~~ utilized by at the
 8 direction of the ~~state mental~~ behavioral health authority. Fees collected
 9 by the regional behavioral board shall become part of its budget and utilized
 10 at the direction of the executive board or governing entity.

11 SECTION 26. That Section 39-3138, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 39-3138. EXISTING STATE-COUNTY CONTRACTS FOR SERVICES. No section of
 14 this ~~act~~ chapter shall invalidate, or prohibit the continuance of, exist-
 15 ing state-county contracts for the delivery of ~~mental~~ behavioral health ser-
 16 vices within the participating counties.

17 SECTION 27. That Section 39-3139, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 39-3139. TITLE OF ~~ACT~~ CHAPTER. This ~~act~~ chapter may be cited as the
 20 "Regional ~~Mental~~ Behavioral Health Services Act."

21 SECTION 28. That Chapter 31, Title 39, Idaho Code, be, and the same is
 22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 23 ignated as Section 39-3140, Idaho Code, and to read as follows:

24 39-3140. DEPARTMENT RULES. The director is authorized to promulgate
 25 rules necessary to implement the provisions of this chapter that are consis-
 26 tent with its provision.